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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 MEGAN L. GOODYEAR,

8 Plaintiff,

9 v.

10 STATE OF WASHINGTON, et. al.

11 Defendants.

NO: 1:17-CV-3038-TOR

ORDER DISMISSING CASE

12
13 BEFORE THE COURT is Plaintiff's Third Amended Complaint filed on
14 October 19, 2017. ECF No. 12. Plaintiff Megan L. Goodyear, proceeding *pro se* and
15 *in forma pauperis*, filed a Complaint in this Court on February 28, 2017. ECF Nos.
16 2; 5. After screening Plaintiff's complaint and finding it deficient, the Court provided
17 Plaintiff with an opportunity to amend her complaint. ECF No. 6. Plaintiff submitted
18 an amended complaint on March 3, 2017. ECF No. 7. The Court again found the
19 complaint deficient, mostly for lack of jurisdiction, and again allowed Plaintiff to
20 amend her complaint. Plaintiff submitted her second amended complaint on July 20,

1 2017. ECF No. 10. The Court found the second amended complaint deficient, also,
2 and again allowed Plaintiff to amend. ECF No. 11.

3 The Court has conducted the required screening¹ of the Third Amended
4 Complaint (ECF No. 12) under 28 U.S.C. § 1915(e)(2) and determines that Plaintiff's
5 amended claims do not survive screening, as discussed below. The Court **will not**
6 direct service of the Complaint upon Defendants. As further discussed below,
7 Plaintiff has failed to cure the deficiencies and the Third Amended Complaint will be
8 Dismissed without leave to amend.

9 STANDARD OF REVIEW

10 Section 1915(e) “not only permits but requires” the court to *sua sponte*
11 dismiss an *in forma pauperis* complaint that is frivolous or malicious; fails to state
12 a claim on which relief may be granted;² or seeks monetary relief against a

14 ¹ Although 28 U.S.C. §§ 1915 and 1915A reference “prisoners,” the
15 application of the statutes, including the requirement that the district court screen
16 the complaint, extends to an *in forma pauperis* complaint. *Calhoun v. Stahl*, 254
17 F.3d 845 (9th Cir. 2001); *Lopez v. Smith*, 203 F.3d 1122, 1126–27 (9th Cir. 2000)
18 (en banc).

19 ² A motion to dismiss pursuant to Rule 12(b)(6) is similarly based on whether
20 the non-moving party has failed to state a claim on which relief can be granted, so

1 defendant who is immune from such relief. *Lopez v. Smith*, 203 F.3d 1122, 1126–
2 27 (9th Cir. 2000) (en banc). The facts alleged in a complaint are to be taken as
3 true and must “plausibly give rise to an entitlement to relief.” *Ashcroft v. Iqbal*,
4 556 U.S. 662, 679 (2009). Mere legal conclusions “are not entitled to the
5 assumption of truth.” *Id.* The complaint must contain more than “a formulaic
6 recitation of the elements of a cause of action.” *Bell Atl. Corp. v. Twombly*, 550
7 U.S. 544, 555 (2007). It must plead “enough facts to state a claim to relief that is
8 plausible on its face.” *Id.* at 570.

9 DISCUSSION

10 Plaintiff has filed her third amended complaint, but has not cured the
11 deficiencies previously explained in the past Orders (ECF Nos. 6; 9; 11)—*i.e.* the
12 Defendants are immune from suit and the issue raised is a matter reserved to the state.
13 *Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 144
14 (1993) (“Absent waiver, neither a State nor agencies acting under its control may ‘be
15 subject to suit in federal court.’”); *Safouane v. Fleck*, 226 F. App’x at 758 (“Under
16 the *Rooker–Feldman* doctrine, federal courts lack jurisdiction to determine whether
17 the proceedings regarding parental rights with respect to [their] children were valid,
18

19 Rule 12(b)(6) standards govern a § 1915 review for legal sufficiency. *Knapp v.*
20 *Hogan*, 738 F.3d 1106, 1109 (9th Cir. 2013).

1 because those proceedings were concluded before the filing of this action.”); *H.C. ex*
2 *rel. Gordon v. Koppel*, 203 F.3d 610, 612–14 (9th Cir. 2000) (citations altered;
3 internal brackets in original) (“Plaintiffs desire wholesale federal intervention into an
4 ongoing state domestic dispute. They seek vacation of existing interlocutory orders,
5 and a federal injunction directing the future course of the state litigation. This is not
6 the proper business of the federal judiciary.”).

7 If anywhere, the matter brought before the Court must be addressed at the state
8 level, whether that be through state courts or through the procedures established by
9 the Washington Child Protection Service.

10 **ACCORDINGLY, IT IS ORDERED:**

11 1. The claims asserted in Plaintiff’s Third Amended Complaint (ECF No. 12)
12 are **DISMISSED, WITHOUT LEAVE TO AMEND**.

13 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this
14 Order would not be taken in good faith and would lack any arguable basis in
15 law or fact. Plaintiff’s *in forma pauperis* status is hereby **REVOKED**.

16 The District Court Executive is directed to enter this Order, and Judgment
17 accordingly, forward copies to Plaintiff, and **CLOSE** the file.

18 **DATED** December 15, 2017.



Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge